

REMARKS

Claims 11, 13-15, 20-26, 35, and 39-41 are pending in the present application. Claims 11-15, 20-26, and 35-41 were examined. Claims 12 and 36-38 were cancelled by amendment.

In the office action mailed May 3, 2006 (the "Office Action"), the Examiner objected to claims 12 and 39, and rejected claims 1, 13, 21-24, and 26 under 35 U.S.C. 112, second paragraph. The Examiner further rejected claims 11-15 and 20-25 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,850,895 to Broderon *et al.* (the "Broderon patent") and rejected claim 26 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,415,259 to Wolfinger *et al.* (the "Wolfinger patent"). Claims 35-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Wolfinger patent in view of Pierreval *et al.*, Dynamic Selection of Dispatching Rules for Manufacturing Systems (1997) (the "Pierreval reference").

With respect to the Examiner's objection to claim 12 and 39, claim 12 has been cancelled and claim 39 has been amended as suggested by the Examiner. The Examiner's objection to these claims should now be withdrawn.

With respect to the Examiner's rejection of claims 11, 13, 21-24, and 26 under 35 U.S.C. 112, second paragraph, claims 11, 13, 21-24, and 26 have been amended to address the rejections. The rejection of these claims should now be withdrawn.

As previously mentioned, claims 12 and 36-38 have been cancelled by amendment, and consequently, the Examiner's rejection of these claims is now moot.

Turning to the Examiner's rejection of the remaining claims under 35 U.S.C. 102(e) and 103(a), claims 11, 20, 26 and 35 have been amended to recite that the set of rules of a constraint set include order candidacy rules that govern which orders can be considered during scheduling, mobile user candidacy rules that govern which mobile users can be considered during scheduling, and assignment candidacy rules that control whether an order can be assigned to a worker. Additionally, the order, mobile user, and assignment candidacy rules include fixed rules and configurable rules. As amended, claims 11, 20, 26, and 35 are patentably distinct from the Broderon and Wolfinger patents. More specifically, neither of the patents describe a system

having a rules structure that includes order, mobile user, and assignment candidacy rules, which include both fixed rules as well as configurable rules.

In rejecting now cancelled claims 36-38, which recite limitations directed to order, mobile user, and assignment candidacy rules, the Examiner cited the Wolfinger patent as teaching programming a rule to control which orders are considered in the schedule process, programming a rule to control which workers are considered in the schedule process, and programming a rule to control whether an order can be assigned to a worker. *See* the Office Action at pages 23-24.

The material in the Wolfinger patent cited by the Examiner generally describe factors considered by the scheduling system when automatically scheduling orders from customers and performing schedule optimization. However, the Wolfinger patent does not describe fixed and configurable order, mobile user, and assignment candidacy rules as recited in claims 11, 20, 26, and 35. For example, the Examiner cites to col. 6, lines 1-5 and col. 5, lines 34-52 as suggesting that the scheduling system operates according to configurable rules to control which workers are considered in the schedule process. The material at col. 6 describes the use of a calendar to define the times at which a workforce resource is available for a task, that is, when the workforce resource is on shift. The material at col. 5 describes consideration of geographic location and the skill sets of workforce resources as part of scheduling. The cited material merely describes the parameters that are considered when scheduling, such as, a task is assigned only to a worker when on duty and worker parameters such as skill sets and geographic location are considered during scheduling. These, however, are not configurable rules that alter operation of the schedule process from fixed rules. More specifically, the schedule process described in the Wolfinger patent operates no differently whether the geographic location or skill sets of the workers are changed. These parameters may affect the resulting schedule generated by the schedule process, but do alter the manner in which the schedule process operates. As recited in the present claims, *execution* of the schedule process occurs according to fixed business rules, as *altered* by configurable rules, the rules including order, mobile user, and assignment candidacy rules. The additional materials cited by the Examiner in the Wolfinger patent as teaching order and assignment candidacy rules are similarly deficient in describing the rules structure and execution of the schedule process recited in the claims.

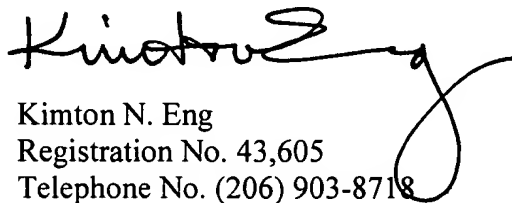
The Examiner has cited the Pierreval reference for teaching utilization of constraints comprising at least rules and constants to control the selection of one or more process scheduling rules. See the Office Action at page 22. Assuming for the sake of argument that the Examiner's characterization of the Pierreval reference is accurate, it fails to make up for the deficiencies of the Broderon and Wolfinger patents as previously discussed.

For the foregoing reasons, claims 11, 20, 26, and 35 are patentable over the Broderon and Wolfinger patents, and the Pierreval reference, alone or in combination. Claims 13-15, which depend from claim 11, claims 21-25, which depend from claim 20, and claims 39-41, which depend from claim 35, are similarly patentable based on their dependency from a respective allowable base claim. Therefore, the rejection of claims 11, 13-15, 20-25, 26, 35, and 39-41 under 35 U.S.C. 102(e) and 103(a) should be withdrawn.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

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Fee Transmittal Sheet (+ copy)

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